

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

SCOTTY ROACH,

Petitioner,

v.

**CIVIL ACTION NO.: 3:19-CV-78
(GROH)**

**CHRISTOPHER GOMEZ, Warden,
FCI Gilmer,**

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

Now before the Court is a Report and Recommendation (“R&R”) of United States Magistrate Judge Robert W. Trumble. Pursuant to this Court’s Local Rules, this action was referred to Magistrate Judge Trumble for submission of a proposed R&R. Magistrate Judge Trumble issued his R&R [ECF No. 11] on September 16, 2020. Therein, Magistrate Judge Trumble recommends that the Petitioner’s § 2241 petition be denied and dismissed without prejudice. ECF No. 11 at 12.

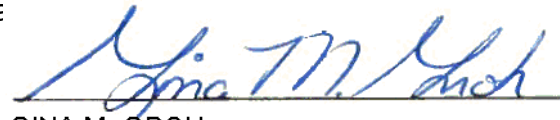
Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court must conduct a *de novo* review of the magistrate judge’s findings where objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge to which no objection is made. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and of a petitioner’s right to appeal this Court’s Order. 28.U.S.C. § 636(b)(1); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984).

The Petitioner's objections to Magistrate Judge Trumble's R&R were due within fourteen plus three days of service. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The R&R was mailed to the Petitioner by certified mail on September 16, 2020. ECF No. 21. The Petitioner accepted service on September 21, 2020. To date, no objections have been filed.¹ Accordingly, this Court reviews the R&R for clear error.

Upon careful review and thoughtful consideration, it is the opinion of this Court that Magistrate Judge Trumble's R&R [ECF No. 11] should be, and is hereby, **ORDERED ADOPTED** for the reasons more fully stated therein. Therefore, the Petitioner's § 2241 Petition [ECF No. 1] is **DENIED** and **DISMISSED WITHOUT PREJUDICE**. Additionally, in light of this order, the Petitioner's Motion for Appointment of Counsel [ECF No. 14] is **DENIED** as **MOOT**.

This matter is **ORDERED STRICKEN** from the Court's active docket. The Clerk of Court is **DIRECTED** to mail a copy of this Order to the *pro se* Petitioner by certified mail, return receipt requested, at his last known address.

DATED: December 21, 2020


GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE

¹ On October 6, 2020, Judge Trumble granted the Petitioner's Motion for an Extension of Time to File a Response to the Report and Recommendation. ECF No. 13. The Petitioner's deadline to file his objections to the R&R was extended to 16, 2020. See ECF No. 15.